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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/674,232

09/29/2003

Steven K. Rogers

QUA 001 IA

1882

7590

01/25/2005

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EXAMINER

JOHNS, ANDREW W

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,232

Applicant(s)

ROGERS

Examiner

Andrew W. Johns

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/16/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 2. Claim 21 is rejected under 35 U.S.C. § 102(e) as being anticipated by Ema et al. (US 5,779,634 A).

20 With respect to claim 21, Ema et al. teaches a method for displaying CAD detections comprising accepting observed detections from a human reader (column 43, line 46 through column 44, line 13; doctor views image and enters findings which are stored in an interpretation report); computing CAD detections (column 31, lines 45-52; abnormalities are detected by the CAD processor and stored in an abnormality data table, see column 33, line 29 through column 64); comparing observed and CAD detections (column 45, lines 38-43; the doctors observations from the interpretation report are compared to the CAD detections stored in the abnormality data table); and displaying only those CAD detections not observed by the human reader (column 46, lines 30-32; case 1 abnormalities are displayed, which are CAD detections not observed by
25 doctor as described at column 46, lines 15-16).

Allowable Subject Matter

3. Claims 1-20 and 22-24 are allowed.


4. The following is a statement of reasons for the indication of allowable subject matter:
While Ema et al. and Giger et al. '103 (US 5,832, 103 A) variously teach the use of both
computer-based detections and human observed detections, neither teaches or suggests
modifying the output of a CAD analysis with input from a human observer to produce a modified
5 CAD output, as variously require by claims 1 and 15, or that the CAD analysis be annotated with
input from a human observer to produce an annotated CAD output, as stipulated by claim 22.

5. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Andrew Johns whose telephone number is (703) 305-4788. The
10 examiner is scheduled to move to the Alexandria Headquarters in February/March 2005. After
the move, the examiner's telephone number will be (571) 272-7391. The examiner is normally
available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time.
The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov.
15 (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. §
502.03)

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leo
Boudreau, can be reached on (703) 305-4706. The fax phone number for this art unit is (703)
872-9306. In order to ensure prompt delivery to the examiner, all unofficial communications
20 should be clearly labeled as "Draft" or "Unofficial."

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center Receptionist whose telephone number is (703) 305-
4700.

30 A. Johns
21 January 2005



ANDREW W. JOHNS
PRIMARY EXAMINER